

TARA WEIR, as Successor in Interest to AMANDA STOUDT,)	CASE NO.: 21-16
)	
Plaintiff,)	LINN COUNTY CASE NO. LACV096733
)	
vs.)	
)	
PROGRESSIVE UNIVERSAL INSURANCE CO, and PROGRESSIVE DIRECT INSURANCE COMPANY,)	NOTICE OF REMOVAL
)	
Defendant.)	
)	

1. Plaintiff, Tara Weir as Successor in Interest to Amanda Stoudt, commenced this action by filing suit in the District Court of Linn County, Iowa, No. LACV096733, on December 31, 2020.

3. There are no other Defendants to this action, so no additional consent is required for the removal of this case to Federal Court.

4. Removal is timely pursuant to 28 U.S.C. § 1446(b)(3), in that this Notice is being filed within thirty (30) days after the Defendant was served.

5. Concurrent with the filing of this Notice, Defendant is serving this Notice on Plaintiff and filing a copy of the Notice with the Clerk of the Iowa District Court for Linn County

6. As this case is currently pending in the Iowa District Court for Linn County, which is located in the Northern District of Iowa, venue is proper, and it may be removed to the United States District Court for the Northern District of Iowa.

DIVERSITY OF CITIZENSHIP

7. The Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332. Diversity jurisdiction exists where (1) the amount in controversy exceeds \$75,000.00, exclusive of interests and costs; and (2) the suit is between citizens of different states. *Lincoln Property Co. v. Roche*, 546 U.S. 81, 89 (2005).

8. At all relevant times hereto, as alleged in the Complaint, Plaintiff was a resident of Cedar Rapids, Linn County, Iowa. *See* Petition at ¶ 1.

9. Defendant, Progressive Universal Insurance Company, a Wisconsin company, is a wholly owned subsidiary of Progressive Direct Holdings, Inc., a Delaware company, which is a wholly owned subsidiary of The Progressive Corporation, an Ohio publicly traded company.

10. Defendant, Progressive Direct Insurance Company, an Ohio company, is a wholly owned subsidiary of Progressive Direct Holdings, Inc., a Delaware company, which is a wholly owned subsidiary of The Progressive Corporation, an Ohio publicly traded company.

11. Accordingly, complete diversity exists in this action.

AMOUNT IN CONTROVERSY

12. The amount in controversy requirement of 28 U.S.C. § 1332 is also satisfied. Under 28 U.S.C. § 1332(a), the amount in controversy in a case where federal jurisdiction is based on diversity of citizenship must exceed \$75,000, exclusive of interest and costs. *OnePoint Solutions, LLC v. Bochert*, 486 F.3d 342, 346 (8th Cir. 2007).

13. In the state court Petition, Plaintiff seeks damages for alleged bad faith and breach of fiduciary duty by Defendants. Plaintiff seeks the amount of the policy limits, \$100,000.

14. Based on Plaintiff's allegations respecting damages, the amount in controversy is greater than \$75,000, exclusive of interest and costs.

15. Because both requirements for federal diversity jurisdiction are satisfied, this case is removable to this Court by Defendant.

WHEREFORE, Defendant, Progressive, gives notice that the above-captioned action is removed from the District Court for Linn County, Iowa to this Honorable Court.

Dated this 5th day of February, 2021.

HEIDMAN LAW FIRM, P.L.L.C.

BY: 

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that on February 5, 2021, I electronically filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will send notification of such filing to all parties. Parties may access this filing through the Court's system.

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/s/ Patrick L. Sealey